

Customer No.: 31561  
Docket No.: 10573-US-PA  
Application No.: 10/604,793

### **REMARKS**

#### **Present Status of the Application**

Claims 1, 3-7 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action rejected claims 1, 6, 8-12 under 35 U.S.C. 103(a) as being unpatentable over Tomita (U.S. 5,634,980) in view of Nonomura (US 5,601,645).

In addition, the office action stated claims 3-5 and 7 are allowable if rewritten to overcome the rejections and include all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 1 and 7 and canceled claim 3 to more clearly define the present invention. After entry of the foregoing amendments, claims 1, 4-12 remain pending in the present application, and reconsideration of those claims is respectfully requested.

#### **Rejections under 35 U.S.C 112, second paragraph**

The office action rejected claims 1, 3-7 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action stated in claim 1 "wafer carrier beams" constitutes an indefinite subject matter because it is not clear what applicant regards as carrier beam and the instant disclosure does not describe the carrier beam. Therefore, the structure recited by claim 7 is not readily ascertainable.

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Applicant has amended "a plurality of wafer carrier beams for holding the wafer" in claim 1 to clearly define the wafer carrier beams are used to holding the wafer in the sampling chamber. As a matter of fact, the description about the wafer carrier beams is at paragraph [0031] of the specification. Therefore, applicant respectfully submits the instant disclosure has described the wafer carrier beams.

In addition, applicant has amended a typographic error in claim 7 that is "wherein at least a height of one of the wafer carrier beams is lower ~~that~~ than a height of the other wafer carrier beams". The limitation recited in claim 7 is also described at paragraph [0031]. It is believed the structure recited by claim 7 is readily ascertainable after the amendment is entered.

**Allowable subject matter**

The office action stated claims 3-5 and 7 are allowable if rewritten to overcome the rejections and include all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 1 with adding the limitation of claim 3 into claim 1. It is believed the amended claim 1 should be allowed. In addition, since claim 1 is allowed, its dependent claims 4-12 should also be allowed as a matter of law.

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**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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